

Town Board Minutes

October 19, 2009

Meeting No. 30

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of October 2009 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSIST.CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
ROBERT MACPEEK, EMERGENCY MANAGEMENT
JOHN TROJANOWSKY, YOUTH BUREAU

PERSONS ADDRESSING TOWN BOARD:

Ostroff, James, spoke to the Town Board on the following matter:

- garbage collection

Chowaniec, Lee, spoke to the Town Board on the following matter:

- garbage collection

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
October 5, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board, on behalf of all the Special Districts and Special Improvement Districts, upon which the cost of maintenance is required by law to be apportioned and assessed in proportion to the amount of the benefits conferred, has duly prepared detailed estimates in writing of the anticipated revenues and expenditures for such districts to determine the amount of money required to meet the expense of maintaining same, and

WHEREAS, the Town Board has assessed the amount of said estimates on several lots against which the expense of the improvement was charged in proportion to the amount of benefit conferred, and

WHEREAS, Assessment Rolls were duly prepared according to law and said assessment rolls were duly filed in the Office of the Town Clerk.

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That a Public Hearing is hereby called and shall be held on the 2nd day of November 2009, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place this Town Board will meet to consider the aforementioned Special Districts Budget for the Year 2010, and to hear all persons interested in the subject matter thereof, and concerning the same, and
2. That a Legal Notice of said Public Hearing be published in the Lancaster Bee on October 22, 2009, which Notice shall be in the form attached hereto and made a part hereof and which date of publication is not less than ten (10) nor more than twenty (20) days prior to the public hearing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
UPON THE 2010 SPECIAL DISTRICTS BUDGET

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, New York, has completed its estimates and assessment roll relating to Special Districts, spreading costs on a benefit basis, and has filed same with the Town Clerk for the following districts for the year 2010:

Consolidated Water District

Consolidated Lighting District Number 1

Fire Protection District

Refuse and Garbage District

and,

FURTHER NOTICE IS GIVEN, that a Public Hearing on such estimates and Assessment Roll will be held on November 2, 2009 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, at which time and place the Town Board will meet to hear and consider any persons interested in the subject matter thereof.

BY ORDER OF THE: TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN, Town Clerk

October 19, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, Robert H. Giza, Budget Officer of the Town of Lancaster, on
September 30, 2009, duly filed the Tentative Budget of said Town for the fiscal year beginning
January 1, 2010, with the Town Clerk of said town.

NOW, THEREFORE, BE IT

RESOLVED, that the said Tentative Budget is hereby approved and shall become
the Preliminary Budget of the Town of Lancaster for the fiscal year beginning January 1, 2010,
and

BE IT FURTHER

RESOLVED, that said Preliminary Budget shall be filed in the Office of the
Town Clerk of the Town of Lancaster and be made available by her to the public for inspection
during the regular business hours of the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that a Public Hearing on the Preliminary Budget of the Town of
Lancaster for the year 2010, be held by this Town Board at the Town Hall, 21 Central Avenue,
Lancaster, New York on the 2nd day of November 2009, at 8:30 o'clock P.M., Local Time, and

BE IT FURTHER

RESOLVED, that a Legal Notice of said Public Hearing upon the 2010
Preliminary Budget, as required by Section 108 of the Town Law of the State of New York, be
published in the Lancaster Bee, on October 22, 2009 which Notice shall be in the form attached
hereto and made a part hereof and which date of publication is not less than five (5) days prior to
the public hearing.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE OF PUBLIC HEARING
ON THE 2010 PRELIMINARY BUDGET**

NOTICE IS HEREBY GIVEN, that the Preliminary Budget of the Town of Lancaster, for the fiscal year beginning January 1, 2010, has been filed in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS GIVEN, that the Town Board of the Town of Lancaster will meet and review said Preliminary Budget and hold a Public Hearing thereon at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:30 o'clock P.M., Local Time, on the 2nd day of November 2009, and at such hearing, any person may be heard in favor of or against the Preliminary Budget as compiled, or for or against any item or items therein contained.

Pursuant to Section 108 of the Town Law, the proposed annual salaries of the following Town Officers are specified as follows:

Supervisor - as Supervisor	\$72,449
- as Budget Officer	\$7,905
Council Member	\$18,836
Council Member	\$18,836
Council Member	\$18,836
Council Member	\$18,836
Town Justice	\$40,763
Town Justice	\$40,763
Town Clerk - as Town Clerk	\$69,241
- as Records Management Officer	\$ 6,360
- as Registrar of Vital Statistics	\$900
- as Clerk to Zoning Board of Appeals	\$3,300
Superintendent of Highways	
- as Superintendent of Highways	\$67,920
- as Drainage Coordinator - P.T.	5,304

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN, Town Clerk

October 19, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **DAVID HAWK**, for a Special Use Permit for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, and the Board issued such Special Use Permit on September 20, 2004, this Special Use Permit is subject to renewal upon application by the property owner, and

WHEREAS, David Hawk has requested that the Town Board renew the Special Use Permit for an additional two (2) year period;

**NOW THEREFORE, BE IT
RESOLVED, as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupation”, of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **DAVID HAWK**, for a Home Occupation (small machine shop) on premises located at 255 Peppermint Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.
- g. This Special Use Permit will expire on September 20, 2010. The Town Board of the Town of Lancaster will consider re-issuance of this Special Use Permit upon application by the property owner submitted to the Town Clerk on or before August 20, 2010. There will be no additional Special Use Permit fee.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has held a public hearing to take comment on proposals for the Town application for Erie County Community Development Block Grant funds which are administered through a consortium of Erie County Governments, and

WHEREAS, after said public hearing the Town Board deems it in the public interest to submit an application for the following project:

- 1. Improvements to Senior Citizen Center

NOW, THEREFORE, BE IT

RESOLVED, at a meeting of the Lancaster Town Board held on October 19, 2009, the Board authorized Robert H. Giza, Supervisor, to sign, submit and execute contracts with the Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG:

- 1. Improvements to Senior Citizen Center

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of
making an appointment to the Planning Board due to the expiration of the term for Neil
Connelly, and

WHEREAS, Neil Connelly, Lancaster, New York, has expressed his desire
to continue in this capacity as a member of the Planning Board of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Neil Connelly, Lancaster, New York be and is hereby
appointed a member of the Town of Lancaster Planning Board for the period of January 1, 2009
to December 31, 2015.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER	ABRAHAM	VOTED YES
COUNCIL MEMBER	AMATURA	VOTED YES
COUNCIL MEMBER	RUFFINO	VOTED YES
COUNCIL MEMBER	STEMPNIAK	VOTED YES
SUPERVISOR	GIZA	VOTED YES

October 19, 2009

File: RPERS.BD (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation, and Forestry Department of the Town of Lancaster, by letter dated October 13, 2009, has requested the appointment of five (5) Recreation Attendants, part-time for the Town of Lancaster Youth Basketball Program for the Winter 2009 season which begins on Saturday, November 14, 2009, and continues into early March 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of Recreation Attendant, part-time for the Winter 2010 season in the Parks, Recreation, and Forestry Department, with no benefits, at the following rates:

<u>NAME</u>	<u>RATE</u>
Howard Huxley (new hire) Depew, NY 14043	\$9.00/hour
James Kucewicz (new hire) Lancaster, NY 14086	\$9.00/hour
Matthew Palma (new hire) Lancaster, NY 14086	\$9.00/hour
Steven Jachianiak (new hire) Lancaster, NY 14086	\$9.00/hour
Jeff Kupka (new hire) Lancaster, NY 14086	\$9.00/hour

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 10587 to Claim No. 10794 Inclusive

Total amount hereby authorized to be paid: \$424,612.74

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17474	Sahlems Roofing	321 Iroquois Ave	Re-Roof	
17475	Sahlems Roofing	15 Katherine St	Re-Roof House	
17476	Sun Enterprises	198 Enchanted Forest S	Er. Shed	
17477	Ziolkowski, Leonard	25 Wren Ave	Er. Shed	(V/L)
17478	Duro Shed Inc	3 Woodstream Dr	Er. Shed	
17479	Riverside Door	100 Albert Dr	Re-Roof	(V/L)
17480	Batt, Kevin	12 Quincy Ave	Install Generator	(V/L)
17481	Riverside Door	3 Alyssum Ct	Re-Roof	
17482	Iroquois Fence	50 Quail Run Ln	Er. Fence	
17483	Precision Home Imprv	11 Windsor Ridge Dr	Re-Roof	
17484	Harry, Daniel	9 Woodgate Dr	Re-Roof	
17485	Oneida Fence	33 Katelyn Ln	Er. Fence	
17486	Lapp Management	10 Sawgrass Ln	Er. Shed	
17487	RGGT LLC	34 Old Post Rd	Rep-Roof	
17488	Schwartz, Jeffrey	483 Schwartz Rd	Er. Shed	
17489	Duro Shed Inc.	51 Rose St	Er. Shed	
17490	Dennis Walczak	43 Stutzman Rd	Er. Deck	
17491	R&P Oak Hill Dev	2733 Wehrle Dr	Er. Comm. Add.	
17492	John Szalasny	5 Division St	Er. Fence	(V/L)
17493	Aces Construction	624 Pleasant View Dr	Er. Res. Alt.	
17494	Good Neighbor's Fence	23 Colonial Ave	Er. Fence	(V/L)
17495	Besroi Construction Corp	19 Squirrel Run	Re-Roof	
17496	Besroi Construction Corp	126 Fourth Ave	Re-Roof	(V/L)
17497	Precision Home Imprv	50 St Marys St	Er. Garage	(V/L)
17498	Fraas, Keith	12 Creekwood Dr	Er. Shed	
17499	Marrano/Marc Equity	0 Hanover St	Er. Comm. Add.	
17500	Pickett Fence	2 Shadyside Ln	Er. Fence	
17501	Beauty Pools	0 Hanover St	Er. Pool-In Grnd	
17502	Beauty Pools	0 Hanover St	Er. Fence	
17503	Iroquois Fence	1 Shadyside Ln	Er. Fence	
17504	Urso Const	240 Peppermint Rd	Er. Dwlg.-Sin.	
17505	Duro Shed	43 Avian Way	Er. Shed	

17506	R & R Roofing	48 Field Ave	Re-Roof	(V/L)
17507	Expert Fence Co	11 Ryan St	Er. Fence	
17508	Ideal Fence	297 Enchanted Forest N	Er. Fence	
17509	Palicki, Kenneth	86 Southpoint Dr	Er. Shed	
17510	Riexinger, Bruce	15 Cotton St	Er. Footer	(V/L)
17511	City Fence	22 Signal Dr	Er. Fence	
17512	Edible Arrangements	4779 Transit Rd	Er. Sign	
17513	Nola, Sean	27 Windcroft Ln	Inst. Generator	
17514	Wes Roofing & Siding	52 Brunck Rd	Re-Roof	
17515	Konkle, Michael	114 Newberry Ln	Er. Fence	
17516	Tri-Town Roofing	28 Whitestone Ln	Re-Roof	
17517	Swerdlin, Frank	1112 Penora St	Er. Fence	
17518	X-Press Signs	6627 Transit Rd	Er. Sign	
17519	Essex Homes	26 Tranquility Trl	Er. Dwlg.-Sin.	
17520	Picket Fence	41 Creekwood Dr	Er. Fence	
17521	Frey Furniture	59 School St	Er. Shed	(V/L)
17522	Complete Heat	31 Schlemmer Rd	Inst. Generator	
17523	Tschetters Const	8 Dorchester Ct	Re-Roof	
17525	Iroquois Fence	334 Seneca Pl	Er. Fence	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

October 19, 2009

COMMUNICATIONS & REPORTS:

- 428. Code Enforcement Officer to Town Board -
Recommend issuance of renewal of Special Use Permit for 255 Peppermint Road.
DISPOSITION = Resolution 10/19/2009
- 429. Lancaster Central School District to Town Board -
Request permission for motorcade through the Town on the evening of Friday,
October 16, 2009. DISPOSITION = Police Chief
- 430. Town Clerk to Town Board -
Transmittal of Special Use Permit application for Dale Grace.
DISPOSITION = For Resolution
- 431. Town Clerk to Town Board -
Monthly report for September 2009. DISPOSITION = Received & Filed
- 432. Village of Lancaster to Town Board -
Minutes of meeting held September 28, 2009. DISPOSITION = Received & Filed
- 433. Town Clerk to Town Board -
Notification from Erie County Highway Department of reduced weight restriction on
Pavement Road between Walden Avenue and Nichter Road effective October 9,
2009. DISPOSITION = Received & Filed
- 434. General Crew Chief to Supervisor -
Request resolution to appoint seasonal employees.
DISPOSITION = Resolution 10/19/2009
- 435. Supervisor to Town Clerk -
Request resolution to appoint Neil Connelly member of Town Planning Board.
DISPOSITION = Resolution 10/19/2009
- 436. Erie County Department of Public Works to Town Board -
Notification of reduced weight restriction on Pavement Road between Walden
Avenue and Nichter Road effective October 9, 2009 until further notice.
DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 8:28 P.M. in memory of Mary Herrmann.

Signed _____
Johanna M. Coleman, Town Clerk